

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: EXPRESS CAR & TRUCK RENTAL, INC. : **Chapter 7**
: **(Involuntary)**
:
Debtor(s) : **Bky. No. 09-15041 ELF**

O R D E R

AND NOW, upon consideration of the Debtor's Motion to Dismiss Involuntary Chapter 7 Proceeding and to Enjoin Margaret M. Stuski from Initiating Future Involuntary Bankruptcy Proceedings ("the Motion"), and the Response thereto, and after a hearing, and for the reasons stated in court,

It is hereby **ORDERED** that:

1. The above-captioned involuntary bankruptcy case is **DISMISSED** pursuant to 11 U.S.C. §303(i). See In re R. Eric Peterson Const. Co., Inc., 951 F.2d 1175 (10th Cir. 1991); In re Jett, 206 B.R. 407 (Bankr. E.D. Va. 1997).
2. The motion for the entry of a preliminary injunction is **DENIED WITHOUT PREJUDICE**. See In re Mansaray-Ruffin, 530 F.3d 230 (3d Cir. 2008).
3. A hearing on Petitioner Margaret M. Stuski's Motion for Recusal of Alan L. Frank as Counsel for the Debtor (Docket Entry No. 15) is scheduled for **August 17, 2009, at 9:00 a.m., in Bankruptcy Courtroom No. 1, 900 Market Street, Philadelphia, PA.**
4. A Pretrial Conference on the Debtor's request for attorney's fees, costs and damages under 11 U.S.C. §303(i) is scheduled for **August 17, 2009, at 9:00 a.m.** Prior to the Pretrial Conference, the parties shall hold and conclude a mandatory discovery conference pursuant to Fed. R. Civ. P. 26(f), incorporated into these proceedings by this Order. See Fed. R. Bankr. P. 9014(c). During said conference, the parties shall discuss how to proceed with general discovery and electronic discovery and shall attempt to agree upon a pretrial schedule. Prior to the Pretrial Conference, the parties shall file a Joint Discovery Report, or if unable agree, separate Discovery Reports setting forth a proposed pretrial schedule.



Date: **July 20, 2009**

ERIC L. FRANK
U.S. BANKRUPTCY JUDGE